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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,689	04/12/2001	Adam D. Sah	004055.P007	4332
26874	7590	02/22/2005	EXAMINER	
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			NANO, SARGON N	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/834,689

**Applicant(s)**

SAH, ADAM D.

**Examiner**

Sargon N Nano

**Art Unit**

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                                       |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/12/04- 1/18/05</u> . | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This action is responsive to amendment filed on November 22, 2004. Claims 1 – 20 were cancelled, claims 21 – 40 were added. Claims 21 – 40 are pending.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21- 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ebata et al. U.S Patent No. 6,693,533 (referred to hereafter as Ebata).

Ebata teaches a method of controlling quality of communication among plurality of clients over a network. Ebata teaches efficient use of bandwidth in communication paths in a surveillance system (see abstract).

As to claim 21, Ebata teaches a computer-implemented method of sending images to a recipient, the method comprising:

- (a) sending a first image package to a system of a recipient via a first network path, the first image package comprising:
  - (i) a first container page (see col. 6 lines 16 – 39 and fig.1 , Ebata discloses images from cameras displayed on computer monitors), and

- (ii) a first image(see col. 6 lines 16 – 39 and fig.1 , Ebata discloses images from cameras displayed on computer monitors);
- (b) selecting a second network path from a plurality of paths for sending at least a first portion of a subsequent image package to the recipient, the subsequent image package comprising a subsequent image( see col. 9, lines 41 – 56, Ebata discloses the selection of certain camera to watch); and
- (c) sending the at least a first portion of the subsequent image package to the recipient via the second network path( see col. 9, lines 41 – 56, Ebata discloses the selection of certain camera to watch).

As to claim 22, Ebata teaches the method of claim 21, wherein the step of selecting a second network path comprises considering at least one of:

- (i) feedback performance information,
- (ii) location information regarding the system of the recipient,
- (iii) cost information for the paths within the plurality of paths, or
- (iv) information regarding one or more preferences of the recipient ( see col. 10, lines 7 – 40).

As to claim 23, Ebata teaches the method of claim 22, wherein the feedback performance information includes information regarding a load time of the first image on the system of the recipient (see col. 12 line 64- col. 13 line17 and fig. 19).

As to claim 24, Ebata teaches the method of claim 22, wherein the system of the

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recipient has an IP address, wherein the location information regarding the system of the recipient comprises the IP address (see col. 15 lines 16- 28 and fig. 24 A).

As to claim 25, Ebata teaches the method of claim 22, wherein the system of the recipient has a physical location, wherein the information regarding the system of the recipient comprises information regarding the physical location of the system of the recipient (see col. 15 lines 29 – 44 ).

As to claim 26, Ebata teaches the method of claim 22, wherein the one or more preferences of the recipient includes a preference relating to at least one of network speed or cost (see col. 10 lines 7 – 40).

As to claim 27, Ebata teaches the method of claim 21, further comprising sending a second portion of the subsequent image package to the recipient via a third path, the second portion being different from the first portion (see col. 9 lines 19 – 29) .

As to claim 28, Ebata teaches the method of claim 27, wherein the step of sending the at least a first portion of the subsequent image package is performed periodically at a first rate(see col. 14 lines 48 – 67).

As to claim 29, Ebata teaches the method of claim 27, wherein the first path and the third path are the same path (see col. 9 lines 19 – 29).

As to claim 30, Ebata teaches the method of claim 27, wherein the second path and the third path are the same path (see col. 9 lines 19 – 29).

As to claim 31, Ebata teaches the method of claim 27, wherein the second portion comprises one of the first container page or a subsequent container page (see col. 6 lines 16 – 39 and fig.1).

As to claim 33, Ebata teaches the method of claim 21, wherein the first container page comprises instructions to perform the step of selecting a second network path.

As to claim 34, Ebata teaches a system for sending images to a recipient via a plurality of paths, the system comprising:

- (a) a routing logic configured to send a first image package to a system of a recipient via a first network path, wherein the first image package comprises:
  - (i) a first container page(see col. 6 lines 16 – 39 and fig.1 , Ebata discloses images from cameras displayed on computer monitors), and
  - (ii) a first image(see col. 6 lines 16 – 39 and fig.1 , Ebata discloses images from cameras displayed on computer monitors); and
- (b) a path setting logic in communication with the routing logic, the path setting logic being configured to select a second network path from a plurality of network paths, wherein the routing logic is further configured to send at least a first portion of a second image package to the system of the recipient via the second network path selected by the path setting logic ( see col. 9, lines 41 – 56, Ebata discloses the selection of certain camera to watch); and wherein the second image package comprises a second image( see col. 9, lines 41 – 56, Ebata discloses the selection of certain camera to watch).

As to claim 35, Ebata teaches the system of claim 34, further comprising a recipient address analysis logic in communication with the path setting logic, the recipient

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address analysis logic being configured to communicate location data to the path setting logic, wherein the location data relates to the location of the system of the recipient, wherein the path setting logic is configured to select the second network path based at least in part on location data (see col. 15 lines 16- 28 and fig. 24 A).

As to claim 36, Ebata teaches the system of claim 34, further comprising a feedback analysis logic in communication with the path setting logic, the feedback analysis logic being configured to communicate feedback data to the path setting logic, wherein the feedback data relates to performance of the system of the recipient, wherein the path setting logic is configured to select the second network path based at least in part on the feedback data (see col. 12 line 64- col. 13 line17 and fig. 19).

As to claim 37, Ebata teaches the system of claim 34, further comprising a cost analysis logic in communication with the path setting logic, the cost analysis logic being configured to communicate cost data to the path setting logic, wherein the cost data relates to cost information for the network paths of the plurality of network paths, wherein the path setting logic is configured to select the second network path based at least in part on the cost data (see col. 10 lines 7 – 40).

As to claim 38, Ebata teaches the system of claim 34, wherein the first container page includes instructions for the path setting logic to select the second network path (see col. 9, lines 41 – 56).

As to claim 39, Ebata teaches the system of claim 34, wherein the routing logic is further configured to send a second portion of the second image package to the system of the recipient via a third network path (see col. 9 lines 19 – 29).

As to claim 40, Ebata teaches a system for sending images to a recipient via a plurality of paths, the system comprising:

- (a) a means for sending a first image package to a system of a recipient via a first network path, wherein the first image package comprises:
  - (i) a first container page(see col. 6 lines 16 – 39 and fig.1), and
  - (ii) a first image(see col. 6 lines 16 – 39 and fig.1);
- (b) a means for selecting a second network path from a plurality of network paths( see col. 9, lines 41 – 56); and
- (c) a means for sending at least a first portion of a second image package to the system of the recipient via the second network image path selected by the means for selecting a second network path, wherein the second image package comprises a second image( see col. 9, lines 41 – 56).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebata.

Ebata teaches a method of controlling quality of communication among a plurality of clients over a network Ebata teaches an image in a container page. Ebata does not explicitly teach a container page is a " hypertext markup language, extensible markup



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language or extensible hypertext markup language". Official notice is taken that one of the ordinary skill in the art at the time of the invention would Ebata to include a container page is a " hypertext markup language, extensible markup language or extensible hypertext markup language" because doing so would allow for the creation of web pages and other information viewable in a web browser.

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Camera Control System by Kato et al. U.S. Patent No. 6,597,393 .
- Network surveillance Unit Higashimura et al. U.S. Patent No. 6,747,554.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

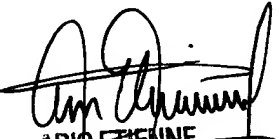
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano

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Feb. 15, 2005

  
ARIO ETIENNE  
PATENT EXAMINER  
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